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E.O. 12958: DECL: 09/10/2017
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SUBJECT: CDA AND HUMAN RIGHTS MINISTER DISCUSS SULTAN
HASHIM'S DEATH SENTENCE, AYAD ALLAWI, AND UNAMI HUMAN
RIGHTS REPORT

Classified By: Charge d'Affaires, a.i. Patricia A. Butenis for reasons
1.4 (b) and (d).

PENDING EXECUTION OF SULTAN HASHIM

¶1. (S) Human Rights Minister Wijdan Salim told CDA Butenis and PolCouns September 8 that there would be significant public outrage if Sultan Hashim, formerly Saddam Hussein's Minister of Defense, were executed -- especially without the approval of the Presidency Council. The Iraqi people, she noted, believe that Hashim surrendered Baghdad to the Coalition in order to spare them from further violence and they will lose trust in the government and the Coalition if Hashim is executed. The Minister said regular Iraqis as well as international organizations have sent her many letters protesting Hashim's death sentence, whereas she had not received similar correspondence regarding Hussein Rashid, former Deputy Chief of Staff for Military Operations, and Chemical Ali (Ali Hassan al-Majid). She had forwarded some of the more notable letters, including a letter from the International Committee of the Red Cross, to President Talabani and Prime Minister Maliki during the last two weeks.

¶2. (S) Charge and PolCouns asked the Minister to clarify her understanding of President Talabani's role in possibly staying Hashim's execution. Minister Wijdan noted that although the Shura Council has opined that executions should not proceed without the President's approval, the Council's role is purely advisory and therefore non-binding. If there is a disagreement between the Presidency Council and the Prime Minister, she noted, the matter can be raised before the constitutional court for review by any member of the Presidency Council. (Note: The "constitutional court" is the Federal Supreme Court. Per septel, President Talabani has asked the court to issue a ruling on this precise question. End note.)

¶3. (S) Minister Wijdan said she believes that under the Constitution, the President has two options to prevent Hashim's execution: issue a pardon or refuse to ratify the death sentence. She acknowledged that different constitutional interpretations regarding the President's powers were possible and assessed that any position to be taken by the Council of Representatives on whether the President's signature is necessary for Hashim's execution to be legal would be divided along sectarian lines. Etilaf would argue that the Prime Minister's authority alone is necessary, while Tawafuq, the Kurdish parties, and Iraqiyya would argue that the President's approval is also needed.

HUMAN RIGHTS MINISTER ON ALLAWI

¶4. (C) Minister Wijdan said that she had not seen Iraqiyya bloc leader Ayad Allawi since his return to Baghdad. Expressing admiration for Allawi, she commented that the people who work for him are not as good as he deserves and he still commands a great deal of popular support. The minister noted, however, that "he needs to be in Iraq to work and if he were here the people would see he can do something."

UNAMI HUMAN RIGHTS REPORT

¶5. (C) Minister Wijdan confirmed that the United Nations Assistance Mission for Iraq (UNAMI) still has not provided a draft copy of the second quarter human rights report for her ministry to review. She said the GOI expects to be given a week to review and comment on the draft before it is released publicly.
BUTENIS